

PATENT
Attorney Docket No. A-67499-2
Attorney File No.: 463037-00292

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

KAYYEM *et al.*

Serial No. 10/697,908

Filed: October 29, 2003

For: *Tissue Collection Devices
Containing Biosensors*

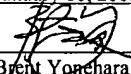
Art Unit: 1634

Examiner: LU, Frank Wei Min

CERTIFICATE OF MAILING

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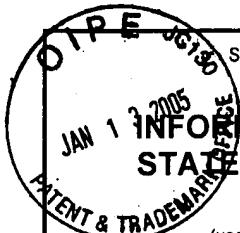
SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT
AND
STATEMENT OF RELATEDNESS

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In satisfaction of the duty of disclosure under 37 C.F.R. § 1.56, and in accordance with the provisions of 37 C.F.R. §§ 1.97 and 1.98, Applicants wish to draw the attention of the U.S. Patent and Trademark Office to the references cited on the accompanying form PTO/SB/8A. In accordance with 1273 Off. Gaz. Pat. Off. 1, 8/5/2003, no copies of U.S. patents and U.S. published applications are enclosed. Copies of all other references are enclosed.

Further, in accordance with the provisions of 37 C.F.R. § 1.98(a)(3) and M.P.E.P. § 609(III)(A)(3), Applicants submit that reference no. B4 is not in the English language



Substitute for form 1449A/PTO
(Modified)

INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(use as many sheets as necessary)

Complete if Known

Application Number	10/697,908
Filing Date	October 29, 2003
First Named Inventor	KAYYEM, Jon Faiz
Art Unit	1634
Examiner Name	LU, Frank Wei Min

Sheet	1	of	3	Attorney Docket Number	A-67499-2 (463037-00292)
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U.S. PATENT DOCUMENTS

Examiner Initials*	Cite No. ¹	Document Number Number-Kind Code ² (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
	A1	4,964,972	10-23-1990	Sagiv et al.	
	A2	5,156,810	10-20-1992	Ribi	
	A3	5,238,808	08-24-1993	Bard et al.	
	A4	5,294,369	03-15-1994	Shigekawa et al.	
	A5	5,565,322	10-15-1996	Heller	
	A6	5,871,918	02-16-1999	Thorp et al.	
	A7	5,942,388	08-24-1999	Willner et al.	
	A8	6,020,047	02-01-2000	Everhart	
	A9	6,066,448	05-23-2000	Wohlstadter et al.	
	A10	6,090,545	07-18-2000	Wohlstadter et al.	
	A11	6,127,127	10-03-2000	Eckhardt et al.,	
	A12	6,140,045	10-31-2000	Wohlstadter et al.	
	A13	6,180,346	01-30-2001	Thorp et al.	
	A14	6,300,141	10-09-2001	Segal et al.	
	A15	6,306,584	10-23-2001	Bamdad	
	A16	6,403,367 B1	06-11-2002	Cheng et al.	
	A17	6,686,150 B1	02-03-2004	Blackburn et al.	
	A18	6,740,518 B1	05-24-2004	Duong et al.	
	A19	6,833,267 B1	12-21-2004	Kayyem	
	A20	2002/0006643 A1	01-17-2002	Kayyem et al.	
	A21	2002/0177135 A1	11-28-2002	Duong et al.	
	A22	2003/0003473 A1	01-02-2003	Kayyem et al.	
	A23	2003/0150723 A1	08-14-2003	Kayyem et al.	
	A24	2004/0053290 A1	03-14-2004	Terbrueggen et al.	

FOREIGN PATENT DOCUMENTS

Examiner Initials*	Cite No. ¹	Foreign Patent Document Country Code ² Number ⁴ Kind Code ⁵ (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T ⁶
	B1	EP 0 142 301 A2	05-22-1985	Serono Diagnostics Limited		
	B2	EP 0 229 943 A2	07-29-1987	Molecular Biosystems, Inc.		
	B3	EP 0 339 821 A1	11-02-1989	United Kingdom Atomic Energy Authority		
	B4	EP 0 439 036 A2	07-31-1991	Hoffman La Roche		

Examiner Signature		Date Considered
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*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹Applicant's unique citation designation number (optional). ² See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. ⁶ Applicant is to place a check mark here if English Language Translation is attached.

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the complete application form to the USPTO. Time will vary depending on the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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Filed: October 29, 2003

and direct the Examiner's attention to the English language abstract of same enclosed herewith for a concise statement as to its relevance.

Further, in satisfaction of the duty of disclosure under 37 C.F.R. § 1.56, and as required by M.P.E.P. § 2001.06(b), Applicant notes that the present application is related to the following pending patent applications:

1. U.S.S.N. 08/873,978, filed June 12, 1998; U.S.S.N. 09/577,577, filed April 21, 2000;
2. U.S.S.N. 08/873,597, filed June 12, 1997; U.S.S.N. 10/241,376, filed September 12, 2000;
3. U.S.S.N. 09/096,593, filed June 12, 1998;
4. U.S.S.N. 10/714,489, filed November 14, 2003;
5. U.S.S.N. 09/135,183, filed August 17, 1998;
6. U.S.S.N. 09/452,277, filed February 3, 1999;
7. U.S.S.N. 10/016,416, filed December 10, 2001;
8. U.S.S.N. 09/295,691, filed April 21, 1999;
9. U.S.S.N. 10/746,903, filed December 23, 2003;
10. U.S.S.N. 09/245,105, filed January 27, 1999; and
11. U.S.S.N. 09/760,384, filed January 11, 2001; U.S.S.N. 09/993,342, filed November 5, 2001.

Nothing herein shall constitute an admission concerning the contents of any of the cited references, nor shall the inclusion of a reference herein be considered an admission that the reference constitutes prior art against the invention claimed in the above-

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identified application. Submission of the present document shall not be construed as an admission that a search has been made or that better art does not exist.

Pursuant to 37 C.F.R. §1.97(c), enclosed is a check in the amount of \$180.00 as set forth in 37 C.F.R. §1.17(p). While no further fee is believed to be due, if this belief is in error, the Commissioner is authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 50-2319 (Our File No. 463037-00292; Our Docket No.: A-67499-2).

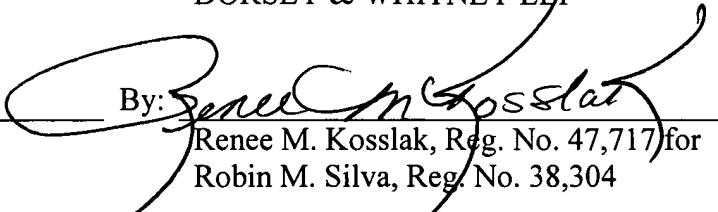
Respectfully submitted,

DORSEY & WHITNEY LLP

Dated: 11/10/05

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Renee M. Kossak, Reg. No. 47,717 for
Robin M. Silva, Reg. No. 38,304

Attachments: Form PTO/SB/8A-B, Substitute for form PTO 1449
23 cited references
Check for \$180.00

<p style="text-align: center;">Substitute for form 1449A/PTO (Modified)</p> <p style="text-align: center;">INFORMATION DISCLOSURE STATEMENT BY APPLICANT</p> <p style="text-align: center;">(use as many sheets as necessary)</p>				Complete if Known	
Sheet	2	of	3	Application Number	10/697,908
				Filing Date	October 29, 2003
				First Named Inventor	KAYYEM, Jon Faiz
				Art Unit	1634
				Examiner Name	LU, Frank Wei Min
				Attorney Docket Number	
				A-67499-2 (463037-00292)	

FOREIGN PATENT DOCUMENTS

Examiner Initials*	Cite No. ¹	Foreign Patent Document Country Code ² Number ⁴ Kind Code ⁵ (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T ⁶
	B5	EP 0 668 502 B2	08-23-1995	Yissum Research Development		
	B6	WO 96/06946 A1	03-07-1996	Igen, Inc.		
	B7	WO 98/31839 A2/A3	07-23-1998	Presidents & Fellows of Harvard College		
	B8	WO 01/42508 A2/A3	06-14-2001	Motorola, Inc.		

NON PATENT LITERATURE DOCUMENTS

Examiner Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ⁶
	C1	ANNE, A., et al., "Synthesis of First Ferrocene Labeled Dideoxynucleotide and It's Use for 3'- Redox End Labeling of 5'-Modified Single Stranded Oligonucleotides," <i>Bioconjug. Chem.</i> 12(3):396-405 (May. 2001).	
	C2	ARKIN, M., et al., "Rates of DNA-Mediated Electron Transfer Between Metallointercalators," <i>Science</i> 273(5274):475-480 (Jul. 1996).	
	C3	BAIN, W., et al., "Formation of monolayers by the coadsorption of thiols on gold: variation in the length of the alkyl chain," <i>J. Am. Chem. Soc.</i> 111(18):7164-7175 (Aug. 1989).	
	C4	DUAN, C., et al., "Separation -Free Sandwich Enzyme Immunoassays Using Microporous Gold Electrodes and Self-Assembled Monolayer/Immobilized Capture Antibodies," <i>Anal. Chem.</i> 66(9):1369-1377 (May. 1994).	
	C5	HALL, D., et al., "Sensitivity of DNA-Mediated Electron Transfer to the Invervening π-Stack: A Probe for the Integrity of the DNA Base Stack," <i>J. Am. Chem. Soc.</i> 119(21):5045-5046 (May. 1997).	
	C6	HERNE, T.M., et al., "Characterization of DNA Probes Immobilized on Gold Surfaces," <i>J. Am. Chem. Soc.</i> 119(38):8916-8920 (Sep. 1997).	
	C7	HOLMLIN, R.E., et al., "Charge transfer through the DNA base stack," <i>Angew. Chem. Int. Ed. Engl.</i> 36(24):2714-2730 (Jan. 1998).	
	C8	IHARA, T., et al., "Gene sensor using ferrocenyl oligonucleotide," <i>Chem. Commun.</i> 17:1609-1610 (1997).	
	C9	JENKINS, Y., et al., "A Sequence-Specific Molecular Light Switch: Tethering of an Oligonucleotide to a Dipyridophenazine Complex of Ruthenium (II)" <i>J. Am. Chem. Soc.</i> 114(22):8736-8738 (Oct. 1992).	
	C10	KELLEY, S.O., et al., "Photoinduced Electron Transfer in Ethidium-Modified DNA Duplexes: Dependence on Distance and Base Stacking," <i>J. Am. Chem. Soc.</i> 119(41):9861-9870 (Oct. 1997).	
	C11	KORRI-YOUSSEIFI, H., et al., "Toward Bioelectronics: Specific DNA Recognition Based on an Oligonucleotide-Functionalized Polypyrrole," <i>J. Am. Chem. Soc.</i> 119(31):7388-7389 (Aug. 1997).	
	C12	RACK, J.J., et al., "Spectroscopy and Electrochemistry of Ruthenium-Modified Nucleic Acids: Design of a Novel-Metal Binding Nucleoside," <i>J. Am. Chem. Soc.</i> 122(26):6287-6288 (Jul. 2000).	
	C13	ROJAS, M., et al., "Molecular recognition at the electrode-solution interface, design, self-assembly, and interfacial binding properties of a molecular sensor," <i>J. Am. Chem. Soc.</i> 117(21):5883-5884 (May. 1995).	

Examiner Signature		Date Considered	
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¹Applicant's unique citation designation number (optional). ² See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. ⁶ Applicant is to place a check mark here if English Language Translation is attached.

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Substitute for form 1449A/PTO (Modified) INFORMATION DISCLOSURE STATEMENT BY APPLICANT (use as many sheets as necessary)				Complete if Known	
Sheet	3	of	3	Attorney Docket Number	A-67499-2 (463037-00292)

NON PATENT LITERATURE DOCUMENTS

Examiner Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ⁶
	C14	SACHS, S., et al., "Rates of interfacial electron transfer through conjugated spacers," <i>J. Am. Chem. Soc.</i> 119(43):10563-10564 (Oct. 1997).	
	C15	SMALLEY, J., et al., "Kinetics of Electron Transfer through Ferrocene-Terminated Alanethiol Monolayers Gold," <i>J. Phys. Chem.</i> 99(35):13141-13149 (Aug. 1995).	

Examiner Signature		Date Considered
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